



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NEW YORK 10007-1866**

September 18, 2015

VIA EMAIL

Frank Pavia
Harris Beach LLC
99 Garnsey Road
Pittsford, New York 14534

Re: Lower Ley Creek Operable Unit of the Onondaga Lake Superfund Site

Dear Mr. Pavia:

This letter serves as a reply to your April 6, 2015 letter to the United States Environmental Protection Agency ("EPA") on behalf of your client, the Town of Salina. As you know, your letter was a response to an EPA letter entitled Notice of Potential Liability and Request to Perform Remedial Design ("Notice Letter"), which EPA sent to your client and seven other parties on March 3, 2015, providing them with an opportunity to volunteer to perform certain work at the Lower Ley Creek Operable Unit ("OU") of the Onondaga Lake Superfund Site.

In the Notice Letter, EPA requested a response to determine whether the recipients of the Notice Letter were willing to discuss voluntarily performing the design of the remedy that the EPA selected in a 2014 Record of Decision for the Lower Ley Creek OU. EPA understood the Town's April letter to serve as such a response. While EPA did not reply in writing to the Town's April letter, over the past several months, since the transmission of the Notice Letter, EPA and the recipients of the Notice Letter, including the Town, have been engaged in active negotiations for the performance of the Lower Ley Creek OU remedial design. This has included frequent conference calls and email exchanges, in which the Town has been an active participant.

EPA does not feel that it is appropriate to address the substance of your April letter at this time. Notwithstanding the fact that the Town's proposal involves the unusual request of a potentially responsible party seeking compensation for work at a site, the substance of the Town's offer was also premature because the Notice Letter pertains to the design of a remedy, and the Town's response dealt with issues regarding the actual implementation of the remedy, post-design. This proposal can be further evaluated in the future, after the design issues are resolved.

The EPA hopes to resolve and move forward with the design phase of remedy in the coming months.

Sincerely,

/s/

Lauren Charney

Assistant Regional Counsel

Office of Regional Counsel

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